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12/15/2004 04:46 PM

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bcc

Subject: US v. CWM (Kin-Buc): Deposit Into Court Registry Account

Dear Counsel:

I am pleased to inform you that, on December 13, 2004, Judge Cavanaugh signed our proposed Order establishing the Court Registry Account in this case, which was entered in the Court's docket today. Therefore, if you do not want to cancel any checks that may already have been issued, or prepare any additional checks, I strongly urge you make your payment(s), totaling \$100,000, plus Interest on that amount as defined in Paragraph E of the Order, by tomorrow, December 16, 2004.

While the Order does not require payment until 3 days after execution of the Consent Decree, I am confident that the Court will not interpret the Order as prohibiting the deposit of such payment at an earlier date.

Also, as you may recall, the Order provides that:

"in the event that the Parties are unable to reach agreement on the language of a proposed consent decree within a reasonable period of time or the United States withdraws its consent to entry of the consent decree, and the Court is so notified, or in the event that the Court declines to enter the consent decree, the sum of money invested in the interest-bearing C.R.I.S. fund, together with interest thereon, shall be retrieved by the Clerk and redeposited in the non-interest-bearing Registry of the Court and Defendants may apply to the Court for disbursement thereof to Defendants pro rata."

Thank you for your prompt attention to this matter.

Yours,
David

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